



-4-02

Attorney's Docket No.: 16904-705;

DAC/J
H20

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)

Edward W. Knowlton.) Group No. 1501

Application No.: 08/635,202) Examiner: Amy Hulina

Filed: April 17, 1996)

Title: Apparatus For Controlled Contraction of)
Collagen Tissue)

RENEWED PETITION FOR REVIVAL UNDER 37 C.F.R. §1.137(b)

Box DAC

U.S. Patent & Trademark Office
P.O. Box 2327
Arlington, VA 22202

Dear Sir:

Pursuant to 37 C.F.R. §1.137(b), Applicants hereby petition the Commissioner to revive the above-identified application. This petition is accompanied by 1) issue fee; 2) the petition fee as set forth in 37 C.F.R. §1.17(m); and 3) Transmittal of Formal Drawings and Formal Drawings.

Applicants unintentionally delayed in paying the issue fee because of their failure to receive the "Notice of Allowance and Issue Fee Due" issued by the Examiner on September 29, 1997. As shown clearly by the Notice of Allowance, this document was mailed to Applicants' old address at Menlo Park, CA, instead of the current address at Palo Alto, CA as evidenced by Applicants' Amendment filed on December 16, 1996. As a result, Applicants failed to pay the issue fee before the due date. Pursuant to 37 C.F.R. §1.137(b), Applicants hereby state that the entire delay is unintentional.

For these reasons, favorable action on this petition is respectfully solicited.

Respectfully submitted,

Date: Dec. 27, 2001

By:


Shirley Chen, Ph.D.
Registration No. 44,608

RECEIVED

JAN 08 2002

OFFICE OF PETITIONS

WILSON SONSINI GOODRICH & ROSATI
650 Page Mill Road
Palo Alto, CA 94304-1505
Direct line: (650) 565-3856
Client No. 021971

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark OfficeAddress: Box ISSUE FEE
ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

COPY

DEC 27 2001



NOTICE OF ALLOWANCE AND ISSUE FEE DUE

RECEIVED

15M2 0929

JAN 08 2002

PAUL DAVIS
HAYNES & DAVIS
2180 SAND HILL ROAD SUITE 310
MENLO PARK CA 94025-6925

OFFICE OF PETITIONS

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/635,202	04/17/96	010	HULKA, A	1501 09/28/97

First Named
Applicant KNOWLTON, EDWARD W.TITLE OF
INVENTION APPARATUS FOR CONTROLLED CONTRACTION OF COLLAGEN TISSUE

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEES DUE	DATE DUE
1 KNOW-1001.DTV	424-400,000	541	UTILITY	YES	\$645.00	12/29/97

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.
PROSECUTION ON THE MERITS IS CLOSED.****THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS
APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.****HOW TO RESPOND TO THIS NOTICE:**

- I. Review the SMALL ENTITY status shown above.
If the SMALL ENTITY is shown as yes, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

- II. Part B of this notice should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "6b" of Part B should be completed.

- III. All communications regarding this application must give application number and batch number.
Please direct all communication prior to issuance to Box ISSUE FEE unless advised to the contrary.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

IMPORTANT REMINDER: Patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



COPY

0703 308 6316

12/20/01 10:15 P.007/008



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SEARCH NUMBER	SEARCH DATE	EXAMINER NUMBER	ATTORNEY/AGENT NUMBER
08/635,202	04/17/96	KNOWLTON	R KNOW-1001 DIV
			EXAMINER
	15M2/0929		
PAUL DAVIS		HUJINA, A	
HAYNES & DAVIS		ART. 17	66-25141-26
2180 SAND HILL ROAD SUITE 310			13
MENLO PARK CA 94025-6935		1501	
			DATE MAILED: 09/29/97

NOTICE OF ALLOWABILITY

PART I

- This communication is responsive to 9/26/97
- All the claims being allowable. PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice Of Allowance And Issue Fee Due or other appropriate communication will be sent in due course 49-61
- The allowed claims are 49-61
- The drawings filed on _____ are acceptable.
- Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has [] been received. [] not been received. [] been filed in parent application Serial No _____ filed on _____
- Note the attached Examiner's Amendment.
- Note the attached Examiner Interview Summary Record, PTO-413.
- Note the attached Examiner's Statement of Reasons for Allowance.
- Note the attached NOTICE OF REFERENCES CITED, PTO-892.
- Note the attached INFORMATION DISCLOSURE CITATION, PTO-1449.

PART II

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" indicated on this form. Failure to timely comply will result in the ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.36(a).

- Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
- APPLICANT MUST MAKE THE DRAWING CHANGES INDICATED BELOW IN THE MANNER SET FORTH ON THE REVERSE SIDE OF THIS PAPER.
 - Drawing informalities are indicated on the NOTICE RE: PATENT DRAWINGS, PTO-948, attached hereto or to Paper No. 3 CORRECTION IS REQUIRED.
 - The proposed drawing correction filed on _____ has been approved by the examiner. CORRECTION IS REQUIRED.
 - Approved drawing corrections are described by the examiner in the attached EXAMINER'S AMENDMENT. CORRECTION IS REQUIRED.
 - Formal drawings are now REQUIRED.

Any response to this letter should include in the upper right hand corner, the following information from the NOTICE OF ALLOWANCE AND ISSUE FEE DUE: ISSUE BATCH NUMBER, DATE OF THE NOTICE OF ALLOWANCE, AND SERIAL NUMBER.

Attachments:

- Examiner's Amendment
- Examiner Interview Summary Record, PTO-413
- Reasons for Allowance
- Notice of References Cited, PTO-892
- Information Disclosure Citation, PTO-1449
- .. Notice of Informal Application, PTO-152
- .. Notice re Patent Drawings, PTO-948
- .. Listing of Bonded Craftsmen
- .. Other

Amy Hulina
AMY HULINA
PRIMARY EXAMINER
GROUP 1500

RECEIVED

JAN 08 2002

OFFICE OF PETITIONS

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)Docket Number (Optional)
16904-705First named inventor: **Edward W. Knowlton**Application No.: **108/635,202**Group Art Unit: **1501**Filed: **DEC 27 2001**Examiner: **A. Hulina**Title: **Apparatus For Controlled Contraction of Collagen Tissue**U.S. Patent & Trademark Office
Box DAC
P.O. Box 2327
Arlington, VA 22202

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal Disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and
- (4) Statement that the entire delay was unintentional/

1. Petition fee

- Small entity – fee \$ 640.00 (37 CFR 1.17(m)) (Charge Deposit Account 23-2415)
- Small entity statement enclosed herewith.
- Small entity statement previously filed.
- Other than small entity – fee \$ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above noted Office action in the form of
Supplemental Amendment (identify type of reply):

RECEIVED

JAN 08 2002

OFFICE OF PETITIONS

- has been filed previously on Faxed on 9/24/1997
- is enclosed herewith.

B. The issue fee of \$ 640.00.

- has been paid previously on
- is enclosed herewith.

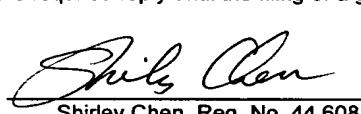
3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ for a small entity or \$ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

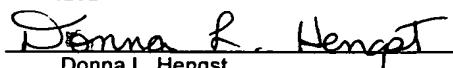
Dec. 27, 2001

Date

Wilson Sonsini Goodrich & Rosati
650 Page Mill Road
Palo Alto, CA 94304
(650) 493-9300
Customer No. 21971

Shirley Chen, Reg. No. 44,608
CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being:

- deposited with the US Postal Service as Express Mail Label No. EL473989683US as express mail in an envelope addressed to:
Box DAC, U.S. Patent & Trademark Office, P.O. Box 2327, Arlington, VA 22202

December 27, 2001
Date

Donna L. Hengst